

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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mergers and consolidations on page 7. State for me, as best you can, what you believe the current state of the law is with regard to the Legislature's ability to affect mergers or consolidations as envisioned here. And part of the reason I'm asking is I didn't note, in just going through here quickly, where other language was stricken, or is there no other language that affects the situation but something is implied from other language? In other words, I guess I'm trying to figure out whether this expands or limits, expands or limits, the ability of the Legislature to deal with the question of mergers and consolidations of these various governmental units?

SENATOR WICKERSHAM: Senator,...

SENATOR BEUTLER: Maybe it goes back to the question, what is the necessity of this piece?

SENATOR WICKERSHAM: Okay. Okay. There is kind of a split in some respects, I think, within the legal community, Senator, but I don't know of any other...if...I don't know of any language in the constitution that specifically authorizes or prohibits mergers either way. I think we've operated for many years under the assumption that you could have mergers, if you will, within classes of political subdivisions, like schools, for example, and that that's not constitutionally suspect. But if you raise the issue of mergers between two kinds of entities that are in the constitution, counties and municipalities, they both have separate constitutional provisions that deal with them, for example, that then you need separate language that would enable the Legislature to provide for the mergers of those kinds of entities. And there isn't anything in the constitution that says you have a new city/county political subdivision. Does that make any sense to you?

SENATOR BEUTLER: Well, I'm...sure, to some extent. You're saying because counties are identified as governmental units in the constitution and nothing more is said about them, for example, that therefore a question might arise as to whether...

SENATOR WICKERSHAM: I think that...

SENATOR BEUTLER: ...you could merge counties?